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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,391	01/03/2002	Tetsuaki Kato	P21592	8732

7055 7590 10/14/2003

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EXAMINER

ADDISON, KAREN B

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,391

Applicant(s)

KATO, TETSUAKI

Examiner

Karen B Addison

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-12 and 15-17 is rejected under 35 U.S.C. 102(b) as being anticipated by Kawamura (5500578).

Kawamura disclose a ultrasonic motor in fig. 1-10 comprising: an ultrasonic motor (fig.1); a controller fig.5 (CPU) which starts said ultrasonic motor by changing a drive frequency of said ultrasonic motor from an initial drive frequency; a calculation device (C1) which calculates an initial drive frequency data based on a drive frequency at the commencement of rotation of said ultrasonic motor; and a setting device (Df1 control circuit) and which sets said initial drive frequency based on said initial drive frequency data (fig.8) at a subsequent commencement of driving of said ultrasonic motor. Wherein said controller starts said ultrasonic motor by reducing a drive frequency of said ultrasonic motor from an initial drive frequency. Kwamura also discloses, a frequency

data storing device fig.8 (e) in which a drive frequency at the commencement of rotation of the ultrasonic motor (1) is stored as starting frequency data each time the ultrasonic motor starts; wherein said calculation device (C1) calculates an average of all said starting frequency data stored in said frequency data storing device, and calculates said initial drive frequency data using said average. Wherein, the initial drive frequency data is greater than said average by a predetermined ratio and the setting device sets the initial drive frequency to a maximum value (h) in a controllable frequency range of the controller in the case where none of said starting frequency data is stored in the frequency data storing device. Kawamura also disclose in fig.10, a rotational speed determining device (10) which determines a rotational speed of the ultrasonic motor (1), upon a predetermined time elapsing from the commencement of rotation of the ultrasonic motor, each time the ultrasonic motor starts; a rotational speed storing device (e') in which the rotational speed is stored as speed data. Wherein, at least a previous speed data and a current speed data are stored in said rotational speed storing device; and a determining device which determines whether a speed-data difference between the previous speed data and the current speed data is one of equal to and greater than a predetermined value and the controller clears all of the starting frequency data stored in said frequency data storing device in the case. Wherein, the determining device (b') determines that said speed-data difference is one of equal to and greater than said predetermined value. Wherein said frequency data storing device stores the current said starting frequency data and a predetermined number of previous said starting frequency data.

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Referring to claim 18

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claim structural limitations. Ex parte Masham 2 USPQ2d 1674(1987)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

KBA
9/25/03

Thomas M. O'Pherty
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